IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 385 of 2005

Between:

B. Vijaya Laxmi, W/o. b. Vijayanand,
Komakonda Village and Mandal, Nizamabad.

..... PETITIONER

AND

1 The Joint Collector (Civil Supplies), Nizamabad.
2 O/o. Revenue Divisional Officer, rep. by Revenue Divisional Officer, Kamareddy, Nizamabad District.
3 O/o. Mandal Revenue Officer, rep. by the Mandal Revenue Officer, Damokonda Mandal, Nziamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of Mandamus directing the respondents 2 and 3 herein to supply the essential commodities to the petitioners fair price shop No.1 of Domakonda Village and Mandal, Nizamabad District as long as his authorisation is subsisting i.e., neither it suspend nor cancelled by duly declaring the action of the respondents not supply the essential commodities to her fair price shop though the stocks are released in her name and arrangements made for supply of the same through another fair price shop dealer as illegal, arbitrary and contrary to the well settled principles of law laid down by this Honourable Court while adjudicating the issues involved under A.P. Schedule commodities (Regulation of Distribution by Card System), order 2001 and pass such other order or orders as the Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.VINOD KUMAR DESHPANDE
Counsel for the Respondents No.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The grievance of the petitioner is that though her authorization as a fair price shop dealer is subsisting, the respondents are not supplying the essential commodities to her. She seeks appropriate directions to the respondents in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On an earlier occasion, the petitioner was issued a notice dated 21.09.2004 directing to remit a sum of Rs.17,46,800/- representing the cost of rice said to have been misappropriated by her. She filed W.P.No.17842 of 2004 in this Court. The writ petition was disposed of with an observation that the notice was issued on the basis of unilateral observations without giving any opportunity to the petitioner to explain and ultimately directed that the respondents shall not take any coercive steps against the petitioner till appropriate orders are passed, after issuing show cause notice to her. It is not known as to what further steps have been taken by the respondents in that behalf.

Be that as it may, as long as the authorization of the petitioner is neither suspended nor cancelled, she cannot be denied the supply of essential commodities. On this short ground, the writ petition is disposed of directing that the respondents shall supply the essential commodities to the petitioner as long as her authorization is in force. There shall be no order as to costs.

20.01.2005

ksld

To

1 The Joint Collector (Civil Supplies), Nizamabad.
2 O/o. Revenue Divisional Officer, rep. by Revenue Divisional Officer, Kamareddy, Nizamabad District.
3 O/o. Mandal Revenue Officer, rep. by the Mandal Revenue Officer, Damokonda Mandal, Nziamabad District.

4 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

5 Two CD copies.